

Message Text

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ACTION VO-05

INFO OCT-01 EUR-12 ISO-00 CA-01 EB-08 CIAE-00 FBIE-00
INSE-00 NSAE-00 FAA-00 DOTE-00 CAB-02 L-03 DODE-00
/032 W

-----124069 281512Z /44/46

P 281400Z JUL 78
FM AMEMBASSY WARSAW
TO SECSTATE WASHDC PRIORITY 6452

C O N F I D E N T I A L WARSAW 6468

EO 11652GDS
TAGS: CGEN, CIVS, EAIR, PL, US
SUBJ: VISA FACILITATION - RECIPROCITY - PANAM/LOT CREW VISAS

REF: A. STATE 189416, B. WARSAW 6009

1. WE GENERALLY SUPPORT THE IDEA OF A MORE EQUITABLE
CREW LIST VISA REGIME BETWEEN POLAND AND THE UNITED STATES.
WE HAVE DISCUSSED VARIOUS COMPONENTS OF THE PAN AM
PACKAGE WITH PANAM/WARSAW (BOCWINSKI) AND RAISED THEM
VERY INFORMALLY WITH THE CONSULAR DEPARTMENT WITHIN
THE CONTEXT OF VISA FACILITATION IN GENERAL. THE POLES
HAVE ALWAYS RESPONDED WITH A PROPOSAL THAT GOES FAR
BEYOND WHAT WE WOULD BE WILLING TO ACCEPT, IE, ELIMINATION
OF VISAS ENTIRELY WITH ONLY PASSPORTS AND LICENSES,
AS DESCRIBED IN CHAPTER 5, ANNEX 1 AND ITEM 319,
ANNEX 9 TO THE CHICAGO CONVENTION, BEING REQUIRED
BY THE IMMIGRATION AUTHORITIES. THUS FAR, THEY HAVE
RESISTED OTHER PROCEDURES TO EASE VISA ISSUANCE TO
CREW MEMBERS.

2. AS IT NOW STANDS, THE POLES AND SPECIFICALLY LOT
CREW MEMBERS HAVE A MORE ADVANTAGEOUS SITUATION THAN
THE UNITED STATES AND PANAM CREW MEMBERS:

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A) ALTHOUGH LOT PRESENTLY ASKS FOR FEWER CREW
VISAS THAN PANAM, BECAUSE OF THEIR RIGIDLY CONTROLLED
PERSONNEL SYSTEM, WE NOW HAVE NO LIMITATION ON THE
NUMBER WE WOULD ISSUE TO ANY QUALIFIED LOT CREW
MEMBER PRESENTED TO US BY THAT COMPANY. THE POLISH
CLAIM THAT, BECAUSE THE US REQUIRES VISAS FOR LOT
CREW MEMBERS, THE GOP MUST LIMIT THE NUMBER OF CREW

VISAS SEEMS TO US TO BE SPECIOUS AND TOTALLY
NON-RECIPROCAL.

B) ALTHOUGH THE NUMBER 1300 MAY SUIT PAN AM'S
NEEDS, WE BELIEVE THAT THERE IS NO REASON FOR ACCEPTING
THE POLISH CONCEPT OF NUMERICAL LIMITATION AT ALL. LIKE
THE DEPARTMENT AND PANAM, WE KNOW OF NO OFFICIAL
WRITTEN REGULATORY BASIS FOR THIS POLISH CONCEPT. THEREFORE,
WE RECOMMEND THAT NO LIMITATION BE PROPOSED BUT THAT
A REQUIREMENT THAT THE COMPANY CERTIFY THAT THE EMPLOYEES
MUST ENTER THE RECEIVING STATE TO FACILITATE ITS OPER-
ATIONS BE ESTABLISHED.

C) OUR PRESENT VISA RECIPROCITY AGREEMENT REQUIRES
US TO LIMIT THE VALIDITY OF "D" VISAS TO 12 MONTHS. WE
SEE NO PROBLEM FROM THIS END TO EXTENDING THE VALIDITY
OF SUCH VISAS TO 24 MONTHS.

D) WE PRESENTLY ISSUE CREW VISAS TO LOT CREW MEM-
BERS WITHIN TWO DAYS IF NO 212(D)(3)(A) WAIVERS ARE
REQUIRED. WHERE SUCH WAIVERS ARE REQUIRED, VISAS ARE
USUALLY ISSUED WITHIN SEVEN WORK DAYS. IF THE
DEPARTMENT PROPOSES TO RAISE THIS ENTIRE CREW
PACKAGE WITH THE POLISH EMBASSY, WE BELIEVE THAT IT
SHOULD BE HEADED BY A REQUEST THAT THE POLES REDUCE
THEIR PROCESSING TIME TO MATCH OURS. FYI. AT THE
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SAME TIME THAT WE PROCESS THESE D VISA APPLICATIONS,
WE ROUTINELY ALSO PROCESS APPLICATIONS FOR TRANSIT
VISAS WHICH ARE ALSO ISSUED WITHIN THIS SHORT TIME
FRAME. END FYI.

E) IF, AS WE RECOMMEND, THERE WOULD BE NO LIMITATION
ON THE NUMBER OF CREW VISAS ISSUED, THERE WOULD BE NO
NEED TO CANCEL AND REUSE THE VISAS OF INACTIVE
EMPLOYEES.

3. COMMENT: WE NOT THAT THE POLES ARE VERY LIKELY TO CONSIDER
THIS CREW VISA PROBLEM AS PART OF THE ENTIRE VISA VAILI-
TATION QUESTION. WE WOULD NOT BE SURPROSED IN THEY CHOOSE
TO DISCUSS THIS MATTER AS WELL AS ALL OTHER VISA
FACILITATION ISSUES UNDER THE RUBRIC OF THE CSCE FINAL
ACT AND FREEDOM OF MOVEMENT. IF WE WISH TO AVOID THE
DISCUSSION OF THIS CONCRETE ISSUE IN SUCH PROPAGANDISTIC
TERMS, WE BELIEVE THAT IT SHOULD BE RAISED WITH THE
THE GOP IN A MANNER THAT CLEARLY POINTS OUT THEIR
IMMEDIATE INTEREST IN THE CONTINUATION OF
THE PRESENT FAVORABLE REGIME THAT LOT CREW MEMBERS
PRESENTLY ENJOY.

4. OUR RECOMMENDATION WOULD BE TO MAKE THE PRESENTATION
OF A PROPOSAL EMBODYING THESE IDEAS IN
WARSAW, BUT NOT NECESSARILY INTO THE CONSULAR DEPARTMENT.
WE WONDER IF IT WOULD BE BETTER TO SUBMIT THIS PROPOSAL
INTO SOME PART OF THE MFA WHICH IS MORE CONCERNED WITH
ECONOMIC OR CIVIL AVIATION QUESTIONS. THE CONSULAR
DEPARTMENT HAS NOT BEEN VERY FORTHCOMING WHENEVER
EMBASSY OFFICERS HAVE RAISED ANY ELEMENTS OF THE CREW
VISA QUESTION WITH THEM. THEY ARE, OF COURSE, VERY
PRE-OCCUPIED WITH THE FAMILY REUNIFICATION PROBLEM
AND SEIZE EAGERLY ANY CHANCE THEY GET TO ATTACK US ON
WHAT THEY CAN CLAIM TO BE OUR POOR CSCE IMPLEMENTATION
RECORD. A PRESENTATION TO ANOTHER AREA OF THE MFA
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WOULD, AT LEAST, ENSURE THAT CONCRETE ECONOMIC/CIVIL
AIR ELEMENTS OF THIS PROBLEM ARE FACTORED INTO THE
GOP'S CONSIDERATIONS. END COMMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: VISAS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978WARSAW06468
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780310-0383
Format: TEL
From: WARSAW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978077/aaaaafop.tel
Line Count: 140
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0d480477-c288-dd11-92da-001cc4696bcc
Office: ACTION VO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 189416, 78 WARSAW 6009
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2036876
Secure: OPEN
Status: NATIVE
Subject: VISA FACILITATION - RECIPROCITY - PANAM/LOT CREW VISAS
TAGS: CGEN, CVIS, EAIR, PL, US
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/0d480477-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014